

### **Remarks and Arguments**

Applicants have carefully considered the Office Action dated December 24, 2008 and the references cited therein. Applicants respectfully request reexamination and reconsideration of the application.

Applicants and their attorney wish to thank Examiner Jean for the courtesy of the telephone interview on April 22, 2009 in which the amendments to the claims as substantially set forth herein were discussed.

### **Status of the Claims**

Claims 1, 3, 5-17 and 19-22 are pending in the application.

Claims 2, 4 and 18 are canceled.

Claims 3-5 are rejected under 35 USC 101 as being directed to non-statutory subject matter.

Claims 1, 3, 5-17 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated Small, U.S. Patent No. 5,513,117.

Claims 6 and 11 are hereby amended.

### **The obviousness-type double patenting rejection**

Claims 1-22 remain rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of US Patent 6,965,912, by the same inventors. In addition, Claims 1-22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of the copending patent application publication number 2004/0205138A1 and over claims 1-24 of the copending patent application publication number 2006/0036681A1. Applicants respectfully request that the nonstatutory obviousness-type double patenting rejections be held in abeyance until the Examiner has considered the proposed amendments set forth herein.

**Claim Rejections Under 35 USC §101**

The Examiner contends that claims 3-5 are non-statutory because these claims are directed to non-statutory subject matter. Claim 3 has been previously amended to recite "a tangible computer *readable* medium" (claim 3, lines 2-3). As such, claims 3-5 are believed to comply with all sections of 35 USC section 101.

**Claim Rejections Under 35 USC §102**

Claims 1, 3, 5-17 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated Small, U.S. Patent No. 5,513,117, hereafter Small '117, already of record. Claims 1, 3, 6, 11, 16, and 17 had been previously amended with the response filed November 24, 2008 to the prior office in a manner which was believed to distinguish over the Small reference (claim 1, lines 11 and 12-13; claim 3, lines 5-7, 11 and 12-13; claim 6, lines 3-5, and 9; claim 11, lines 6-9; claim 16, lines 5-6, 9-10 and 12-13; and claim 17, lines 5-8, 11 and 12-13). Applicants respectfully reassert all of the remarks and traversals set forth in prior response to the extent still relevant to the outstanding rejections. Accordingly, applicants respectfully assert that claims 1, 3, 16, and 17, as amended in the prior response, are believed to clearly distinguish over Small.

In addition, claims 6 and 11 have been amended to recite language or analogous limitations similar to that previously added to claims 1, 3, 16, and 17. Specifically, claim 6 now recites the additional limitation of "combining the identified gift with the personalized greeting card prior to shipment to a designated recipient" (claim 6, lines 11-12). Claim 11 has been amended to recite "program logic for verifying combination of the at least one item with the modified card prior to shipment to a designated recipient" (claim 11, lines 12-13). Accordingly, applicants respectfully assert that claims 6 and 11 are also believed to clearly distinguish over Small.

Accordingly, the independent claims as well as their respective dependent claims, where applicable, are believed patentable over the art of record for at least the same reasons as claim 1, as well as for the merits of their own respective limitations. Applicant(s) believe(s) the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions

regarding this amendment, he/she is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. 03-2410.

Respectfully submitted,

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